



**GENERAL NPDES PERMIT**  
**FOR DISCHARGES OF STORM WATER**  
**ASSOCIATED WITH CONSTRUCTION ACTIVITIES**

**PERMIT NO. TNR100000**

Under authority of the Tennessee Water Quality Control Act of 1977 ([T.C.A. 69-3-101](#) et seq.) and the authorization by the United States Environmental Protection Agency under the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 ([33 U.S.C. 1251](#), et seq.) and the [Water Quality Act of 1987, P.L. 100-4](#), except as provided in part 4.4 (Discharges into Impaired or High Quality Waters) of this general permit, operators of point source discharges of storm water associated with construction activities into waters of the State of Tennessee, are authorized to discharge storm water associated with construction activities in accordance with the following permit monitoring and reporting requirements, effluent limitations, and other provisions as set forth in parts 1 through 8 herein, from the subject outfalls to waters of the State of Tennessee.

This permit is issued on: **June 16, 2005**

This permit is effective on: **June 17, 2005**

This permit expires on: **May 30, 2010**

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Paul E. Davis, P.E., Director  
Division of Water Pollution Control

**Tennessee General Permit No. TNR100000**  
**Storm Water Discharges Associated with Construction Activities**

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## **1. COVERAGE UNDER THIS GENERAL PERMIT**

### **1.1. Permit Area**

This construction general permit (CGP) covers all areas of the State of Tennessee.

### **1.2. Discharges Covered by this Permit**

#### **1.2.1. Storm water discharges associated with construction activities**

This permit authorizes point source discharges of storm water from construction activities including clearing, grading, filling and excavating (including borrow pits containing erodible material), or other similar construction activities that result in the disturbance of one acre or more of total land area. Projects or developments of less than one acre of land disturbance are required to obtain authorization under this permit if the construction activities at the site are part of a larger common plan of development or sale that is at least one acre in size.

Projects or developments of less than one acre of total land disturbance may also be required to obtain authorization under this permit if:

- a) the director has determined that the storm water discharge from a site is causing, contributing to, or is likely to contribute to a violation of a state water quality standard;
- b) the director has determined that the storm water discharge is, or is likely to be a significant contributor of pollutants to waters of the state, or
- c) changes in state or federal rules require sites of less than one acre to obtain a storm water permit.

Note: Any discharge of storm water or other fluid to an improved sinkhole or other injection well, as defined, must be authorized by permit or rule as a Class V underground injection well under the provisions of TDEC Rules, Chapter [1200-4-6](#).

#### **1.2.2. Storm water discharges associated with construction support activities**

This permit also authorizes storm water discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided:

- a) the support activity is primarily related to a construction site that is covered under this general permit;
- b) the operator of the support activity is the same as the operator of the construction site;
- c) the support activity is not a commercial operation serving multiple unrelated construction projects by different operators;
- d) the support activity does not operate beyond the completion of the construction activity of the last construction project it supports; and
- e) support activities are identified in a notice of intent (NOI) and appropriate controls and measures are described in a comprehensive storm water pollution prevention plan (SWPPP) covering the discharges from the support activity areas.

Storm water discharges associated with support activities that have been issued a separate individual permit or an alternative general permit are not authorized by this general permit. This permit does not authorize any process wastewater discharges from support activities. Process wastewater discharges from support activities must be authorized by an individual permit or other appropriate general permit.

**1.2.3. Non-storm water discharges authorized by this permit**

The following non-storm water discharges from active construction sites are authorized by this permit provided the non-storm water component of the discharge is in compliance with section 3.5.9 below (*Pollution prevention measures for non-storm water discharges*):

- a) dewatering of work areas of collected storm water and ground water;
- b) waters used to wash vehicles (of dust and soil, not process materials such as oils, asphalt or concrete) where detergents are not used and detention and/or filtering is provided before the water leaves site;
- c) water used to control dust in accordance with section 3.5.5 below;
- d) potable water sources including waterline flushings from which chlorine has been removed to the maximum extent practicable;
- e) routine external building washdown which does not use detergents or other chemicals;
- f) uncontaminated groundwater or spring water; and
- g) foundation or footing drains where flows are not contaminated with pollutants (process materials such as solvents, heavy metals, etc.).

All non-storm water discharges authorized by this permit must be free of sediment or other solids and must not cause erosion of soil or the stream bank, or result in sediment impacts to the receiving stream.

**1.2.4. Other NPDES-permitted discharges**

Discharges of storm water or wastewater authorized by and in compliance with a different NPDES permit (other than this permit) may be mixed with discharges authorized by this permit.

**1.3. Limitations on Coverage**

Except for discharges from support activities, as described in section 1.2.2 above and certain non-storm water discharges listed in section 1.2.3 above, all discharges covered by this permit shall be composed entirely of storm water. The following discharges are not authorized by this permit:

- a) Post-Construction Discharges - Storm water discharges associated with construction activity that originate from the construction site after construction activities have been completed, the site has undergone final stabilization, and the coverage under this permit has been terminated.
- b) Discharges Mixed with Non-Storm Water - Discharges that are mixed with sources of non-storm water, other than discharges which are identified in section 1.2.4 above (*Other NPDES-permitted discharges*) and in compliance with section 3.5.9 below (*Pollution prevention measures for non-storm water discharges*) of this permit.
- c) Discharges Covered by Another Permit - Storm water discharges associated with construction activity that have been issued an individual permit in accordance with subpart 6.12 below (*Requiring an Individual Permit*).

- d) Discharges Threatening Water Quality - Storm water discharges from construction sites, that the director determines will cause, have the reasonable potential to cause, or contribute to violations of water quality standards. Where such determination has been made, the discharger will be notified by the director in writing that an individual permit application is necessary as described in subpart 6.12 below (*Requiring an Individual Permit*). However, the division may authorize coverage under this permit after appropriate controls and implementation procedures have been included in the SWPPP that are designed to bring the discharge into compliance with water quality standards.
- e) Discharges into Impaired Streams – This permit does not authorize discharges that would add loadings of a pollutant that is identified as causing or contributing to the impairment of a water body on the list of impaired waters. Impaired waters means any segment of surface waters that has been identified by the division as failing to support its designated classified uses.
- f) Discharges into Outstanding National Resource Waters - The director shall not grant coverage under this permit for discharges into waters that are designated by the Water Quality Control Board as Outstanding National Resource Waters (ONRWs). Designation of ONRWs are made according to TDEC Rules, [Chapter 1200-4-3-.06](#).
- g) Discharges into High Quality Waters - The director shall not grant coverage under this permit for potential discharges of pollutants which would cause degradation to waters designated by TDEC as high quality waters. Identification of high quality waters is made according to TDEC Rules, [Chapter 1200-4-3-.06](#).
- h) Discharges Not Protective of Federal or State listed Threatened and Endangered Species, Species Deemed in Need of Management or Special Concern Species - Storm water discharges and storm water discharge-related activities that are not protective of legally protected listed or proposed threatened or endangered aquatic fauna (or species proposed for such protection) in the receiving stream(s); or discharges or activities that would result in a “take” of a state or federal listed endangered or threatened aquatic or wildlife species, or such species’ habitat. If the division finds that storm water discharges or storm water related activities are likely to result in any of the above effects, the director will deny the coverage under this general permit unless and until project plans are changed to adequately protect the species.
- i) Discharges from a New or Proposed Mining Operation - Discharges from a new or proposed mining operation are not covered by this permit.
- j) Discharges Negatively Affecting a Property on the National Historic Register - Storm water discharges that would negatively affect a property that is listed or is eligible for listing in the National Historic Register maintained by the Secretary of Interior.
- k) Discharging into Receiving Waters With an Approved Total Maximum Daily Load Analysis - Discharges of pollutants of concern to waters for which there is an EPA-approved total maximum daily load ([TMDL](#)) are not covered by this permit unless measures or controls that are consistent with the assumptions and requirements of such [TMDL](#) are incorporated into the SWPPP. If a specific wasteload allocation has been established that would apply to the discharge, that allocation must be incorporated into the SWPPP and steps necessary to meet that allocation must be implemented. In a situation where an EPA-approved or established [TMDL](#) has specified a general wasteload allocation applicable to construction storm water discharges, but no specific requirements for construction sites have been identified, the permittee should consult with the division to confirm that adherence to a SWPPP that meets the requirements of this permit will be consistent with the approved [TMDL](#). Where an EPA-approved or established [TMDL](#) has not specified a wasteload allocation applicable to construction storm water discharges, but has not specifically excluded these discharges, adherence to a SWPPP that meets the



requirements of the CGP will generally be assumed to be consistent with the approved [TMDL](#). If the EPA-approved or established [TMDL](#) specifically precludes such discharges, the operator is not eligible for coverage under the CGP.

## **1.4. Obtaining Permit Coverage**

Submitting a complete NOI, a SWPPP and an appropriate permitting fee are required to obtain coverage under this general permit. Requesting coverage under this permit means that an applicant has obtained and examined a copy of this permit, and thereby acknowledges applicant's claim of ability to be in compliance with permit terms and conditions.

### **1.4.1. Notice of Intent (NOI)**

Operators wishing to obtain coverage under this permit must submit a completed NOI in accordance with requirements of part 2 below, using the NOI form provided in Appendix A of this permit (or a copy thereof). The division will review NOIs for completeness and accuracy and, when necessary, investigate the proposed project for potential impacts to the waters of the state. Upon completing NOI review, the division will:

- a) prepare and transmit a notice of coverage (NOC) to the operator identified as a primary permittee on the NOI form (see subpart 1.5 below - *Effective Date of Coverage*);
- b) notify the applicant of needed changes to their NOI submittal (see section 2.6.3 below - *NOI completeness*); or
- c) deny coverage under this general permit (see subpart 6.12 below - *Requiring an Individual Permit*).

### **1.4.2. Storm Water Pollution Prevention Plan (SWPPP)**

Operators wishing to obtain coverage under this permit must develop and submit a site-specific SWPPP with the NOI. The initial, comprehensive SWPPP, developed and submitted by the initial permittee (typically owner/developer), should address all construction-related activities from the date construction commences to the date of termination of permit coverage, to the maximum extent practicable. The SWPPP must be developed, implemented and updated according to the requirements in part 3 below (*SWPPP Requirements*) and subpart 2.3 below (*Responsibilities of Operators*). The SWPPP must be implemented prior to commencement of construction activities.

Preparation and implementation of the SWPPP may be a cooperative effort where there is more than one operator at a site. Other primary permittees at the site may develop a SWPPP addressing only their portion of the project, as long as the BMPs are compatible with the comprehensive SWPPP and complying with conditions of this general permit. New operators with design and operational control of their portion of the construction site are not precluded from developing and implementing their own SWPPP, but are instead encouraged to adopt, modify, update and implement a comprehensive SWPPP.

### **1.4.3. Permit application fees**

The permit application fee should accompany the NOI form. The fee schedule is based on the total acreage to be disturbed by an entire construction project, including any associated construction support activities (see section 1.2.2 above). The area disturbed shall be assumed to be the total area that is presented as part of the development and/or of a larger common plan of

development that is subject to being cleared, graded, or excavated during the life of the development. The area cannot be limited to only the portion of the total area that the owner/developer initially disturbs through the process of various land clearing activities and/or in the construction of roadways, sewers and water utilities, storm water drainage structures, etc., to make the property marketable. The owner/developer may present documentation of common areas in the project that will not be subject to disturbance at anytime during the life of the project and have these areas excluded from the fee calculation.

The permit coverage fees shall be as specified in the TDEC Rules, [Chapter 1200-4-11](#). The operator must submit a check made payable to “Treasurer, State of Tennessee” for the appropriate fee. There is no additional fee for subsequent owner/operator to obtain permit coverage (see section 2.4.3 below - *New operator*) because the original operator initially paid the appropriate fee for the entire area of site disturbance. If a project was previously permitted, but permit coverage was terminated, and re-development occurs, the new operator must obtain coverage and pay the appropriate fee for the disturbed acreage.

1.4.4. Certain applicants must submit a copy of the NOI and NOT to the local municipality

Applicants who discharge storm water through an NPDES-permitted municipal separate storm sewer system ([MS4](#)) who are not exempted in section 1.4.5 below must submit a copy of the original signed NOI (and at project completion, a copy of the original signed notice of termination - NOT) to the [MS4](#). A most current list of the [MS4s](#) is available at our web site: <http://www.state.tn.us/environment/wpc/stormh2o/MS4.php>.

1.4.5. Permit Coverage through Qualifying Local Program

Coverage equivalent to coverage under this general permit may be obtained from a qualifying local erosion and sediment control Municipal Separate Storm Sewer System ([MS4](#)) program. A qualifying local program (QLP) is a municipal storm water program for storm water discharges associated with construction activity that has been formally approved by the division. If a construction site is within the jurisdiction of and has obtained a notice of coverage from a QLP, the operator of the construction activity is authorized to discharge storm water associated with construction activity under this general permit without the submittal of an NOI to the division. The permittee is also not required to submit a notice of termination or a permit fee to the division. At the time of this permit issuance, there were no qualifying local erosion prevention and sediment control [MS4](#) programs in Tennessee. Permitting of storm water runoff from construction sites from federal or state agencies (including, but not limited to the Tennessee Department of Transportation (TDOT), Tennessee Valley Authority (TVA)) and the local [MS4](#) program itself will remain solely under the authority of TDEC.

The division may require any owner/developer or operator located within the jurisdiction of a QLP to obtain permit coverage directly from the division. The operator shall be notified in writing by the division that coverage by the QLP is no longer applicable, and how to obtain coverage under this permit.

## **1.5. Effective Date of Coverage**

### **1.5.1. Notice of Coverage (NOC)**

The NOC is a written notice from the division sent to the permittee, informing the permittee that the NOI was received and storm water discharges from a construction activity have been approved under this general permit. The operator is authorized to discharge storm water associated with construction activity as of the effective date the division prepares the NOC for the construction site.

Assigning a permit tracking number by the division to a proposed discharge from a construction site does not confirm or imply an authorization to discharge under this permit. Correspondence with the permittee is maintained through the primary contact person listed on the NOI.

### **1.5.2. Permit tracking numbers**

Construction sites covered under this permit will be assigned permit tracking numbers in the sequence TNR100001, TNR100002, etc. Previously assigned permit tracking numbers will be retained for operators of existing sites, presently permitted under the construction general permit (see section 2.4.1 below). An operator of a new construction site will be assigned a new permit tracking number (see section 2.4.2 below).

If a new operator (see section 2.4.3 below) assumes ownership and operational control of an entire permitted construction site, the previously assigned tracking number may be retained. If a new operator assumes ownership and operational control of a portion of a construction site, a new tracking number may be assigned. If a new operator is a new contractor added to an existing permitted construction site, the previously assigned tracking number will be retained.

## **1.6. Termination of Coverage**

### **1.6.1. Notice of Termination (NOT)**

Operators wishing to terminate coverage under this permit must submit a completed NOT in accordance with requirements of part 7 below, using the NOT form provided in Appendix B of this permit (or a copy thereof).

## **2. NOTICE OF INTENT (NOI) REQUIREMENTS**

### **2.1. Who Must Submit an NOI?**

All site operators must submit an NOI form. “Operator” for the purpose of this permit and in the context of storm water associated with construction activity means any person associated with a construction project who meets either or both of the following two criteria:

- a) The person has operational or design control over construction plans and specifications, including the ability to make modifications to those plans and specifications. This person is typically the owner or developer of the project or a portion of the project, and is considered the initial permittee; or
- b) The person has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions.

This person is typically a contractor or a commercial builder who is hired by the initial permittee or the primary permittee, and is considered a secondary permittee.

## **2.2. Typical Construction Site Operators**

### **2.2.1. Owner/Developer**

An owner/developer(s) is considered an initial permittee. This person has operational or design control over construction plans and specifications, including the ability to make modifications to those plans and specifications. This person may include, but is not limited to, a developer, landowner, realtor, commercial builder, etc. An owner/developer's responsibility to comply with requirements of this permit extends until:

- a) permit coverage is terminated in accordance with requirements of part 7 below; or
- b) operational or design control of the entire site (including, but not limited to, infrastructure, common areas, storm water drainage structures, sediment treatment basin, etc.) is transferred to one or more new owner(s)/operator(s).

### **2.2.2. Commercial builders**

A commercial builder can be a primary or secondary permittee at a construction site. The commercial builder who purchases one or more lots from an owner/developer (initial permittee) for the purpose of constructing and selling a structure (e.g., residential house, non-residential structure, commercial building, industrial facility, etc.) and has design or operational control over construction plans and specifications becomes a primary permittee for that portion of the site. The commercial builder is considered a new operator and must submit a new NOI following requirements in section 2.4.3 below.

The commercial builder may also be hired by the owner/developer or a lot owner to build a structure for an end user. In this case, the commercial builder submits an NOI as a contractor (see section 2.2.3 below) and is considered a secondary permittee.

### **2.2.3. Contractors**

A contractor is considered a secondary permittee. This person has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions (e.g., contractor is authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions).

A contractor is typically hired by the initial permittee or by the primary permittee. This person may include, but is not limited to a general contractor, grading contractor, erosion control contractor, sub-contractor responsible for any land disturbing activities and/or erosion prevention and sediment control (EPSC) implementation/maintenance, commercial builder hired by the owner/developer, etc. The contractor should sign the same NOI as the initial or primary permittee who hired them.

## 2.3. Responsibilities of Operators

A permittee may meet one or more of the operational control components in the definition of “operator” found in subpart 2.1 above. Either section 2.3.1 or 2.3.2 below, or both, will apply depending on the type of operational control exerted by an individual permittee.

### 2.3.1. Permittee(s) with design control

Permittee(s) with design control (i.e., operational control over construction plans and specifications) at the construction site, including the ability to make modifications to those plans and specifications (e.g., owner/developer) must:

- a) Ensure the project specifications they develop meet the minimum requirements of part 3 below (storm water pollution prevention plan - SWPPP) and all other applicable conditions;
- b) Ensure that the SWPPP indicates the areas of the project where they have design control (including the ability to make modifications in specifications), and ensure all other permittees implementing portions of the SWPPP impacted by any changes they make to the plan are notified of such modifications in a timely manner;
- c) Ensure that all common facilities (i.e., sediment treatment basin and drainage structures) that are necessary for the prevention of erosion or control of sediment are maintained and effective until all construction is complete and all disturbed areas in the entire project are stabilized.
- d) If parties with day-to-day operational control of the construction site have not been identified at the time the comprehensive SWPPP is initially developed, the permittee with design control shall be considered to be the responsible person until such time the supplemental NOI is submitted, identifying the new operator(s) (see section 2.4.3 below). These new operators (e.g., general contractor, utilities contractors, sub-contractors, erosion control contractors, hired commercial builders) are considered secondary permittees. The SWPPP must be updated to reflect the addition of new operators as needed to reflect operational or design control.
- e) Ensure that all operators on the site have permit coverage and are complying with the SWPPP.

### 2.3.2. Permittees with day-to-day operational control

Permittee(s) with day-to-day operational control of those activities at a project which are necessary to ensure compliance with the SWPPP for the site or other permit conditions (e.g., general contractor, utilities contractors, sub-contractors, erosion control contractors, hired commercial builders) must:

- a) Ensure that the SWPPP for portions of the project where they are operators meets the minimum requirements of part 3 below and identifies the parties responsible for implementation of control measures identified in the plan;
- b) Ensure that the SWPPP indicates areas of the project where they have operational control over day-to-day activities;
- c) Ensure that measures in the SWPPP are adequate to prevent erosion and control any sediment that may result from their earth disturbing activity.
- d) Permittees with operational control over only a portion of a larger construction project (e.g., one of four commercial homebuilders in a subdivision) are responsible for

compliance with all applicable terms and conditions of this permit as it relates to their activities on their portion of the construction site. This includes, but is not limited to, implementation of Best Management Practices (BMPs) and other controls required by the SWPPP. Permittees shall ensure either directly or through coordination with other permittees, that their activities do not render another person's pollution control ineffective. Permittees must implement their portions of a comprehensive SWPPP. New operators with design and operational control of their portion the construction site are not precluded from developing and implementing their own SWPPP, but are instead encouraged to adopt, modify, update and implement a comprehensive SWPPP.

## **2.4. Deadlines for NOI Submittal**

### **2.4.1. Existing site**

An operator of an existing site presently permitted under the existing construction general permit shall be granted coverage under this new general permit. The division will notify all permittees regarding an extension of coverage under the new permit. There will be no additional fees associated with an extension of coverage for existing sites under the new permit. The division may, at its discretion, require permittees to confirm their intent to be covered under this new general permit following its effective date (June 17, 2005). NOT requirements for site operators, as described in part 7 below of this permit, are still applicable, even when the coverage under the new permit is granted as an existing site under the previous general permit.

### **2.4.2. New site**

Except as provided in section 2.4.3 below, operators must submit a complete NOI, SWPPP and an appropriate fee in accordance with the requirements described in subpart 1.4 above. The complete application should be submitted at least 30 days prior to commencement of construction activities. The land disturbing activities shall not start until a NOC is prepared and written approval by the division staff is obtained according to subpart 1.5 above.

### **2.4.3. New operator**

For storm water discharges from construction sites or portions of the sites where the operator changes (new owner), or projects where an operator is added (new contractor) after the initial NOI and comprehensive SWPPP have been submitted, the supplemental NOI should be submitted as soon as practicable, but no later than 2 days prior to when the new operator assumes operational control over site specifications or commences work at the site. The supplemental NOI must reference the project name and tracking number assigned to the initial NOI.

If the sale or transfer of ownership does not change the signatory requirements for the NOI (see section 6.7.1 below), a new NOI does not have to be submitted. If the new operator agrees to comply with an existing comprehensive SWPPP already implemented at the site, a copy of the supplemental or modified SWPPP does not have to be submitted with the NOI. There will be no additional fees associated with the sale or transfer of ownership for existing permitted sites.

### **2.4.4. Late NOIs**

Dischargers are not prohibited from submitting late NOIs. When a late NOI is submitted, and if the division authorizes coverage under this permit, such authorization is only for future

discharges; any prior, unpermitted, discharges or permit noncompliances are subject to penalties as described in section 6.1.2 below.

## **2.5. Who must sign the NOI form?**

All construction site operators must sign the NOI form. Signatory requirements for a NOI are described in section 6.7.1 below. All signatures must be original. The NOI that does not bear an original signature will be deemed incomplete.

## **2.6. NOI Form**

### **2.6.1. Contents of the NOI form**

NOI for construction projects shall be submitted on the form provided in Appendix A of this permit, or on a copy thereof. This form and its instructions set forth the required content of the NOI. The NOI form must be filled in completely. If sections of the NOI are left blank, a narrative explaining the omission must be provided as an attachment.

Owner/developer and all contractors (including commercial builders hired as contractors) shall apply for permit coverage on the same NOI form, insofar as possible. The division's NOI form is designed for more than one operator. The division may accept separate NOI forms from different operators for the same construction site when warranted.

After permit coverage has been granted to the initial permittee, any subsequent NOI submittals must include the site's previously assigned permit tracking number and construction project (site) name. Except as provided in section 2.4.3 above, a comprehensive site-specific SWPPP, prepared in accordance with the requirements of part 3 below, must be submitted with the NOI.

### **2.6.2. Construction site map**

A map of the site must be included with the NOI with the proposed construction area clearly outlined. NOIs for linear projects must specify the location of each end of the construction area. The map should outline the boundaries of projects, developments and the construction site in relation to major roads, streams or other landmarks. If feasible due to the scale of a quad map, all outfalls where runoff will leave the property should be identified. Stream(s) receiving the discharge, and storm sewer system(s) conveying the discharge from all site outfalls should be clearly identified and marked on the map. An 8 ½ by 11 inch excerpt from the appropriate 7.5 minute United States Geological Survey (USGS) quad map, with the site centered, is preferred.

### **2.6.3. NOI completeness**

Based on a review of the NOI or other available information, the director may:

1. prepare the notice of coverage (NOC) for the construction site (see subpart 1.5 above);
2. prepare a deficiency letter stating that additional information must be provided before the NOC can be issued; or
3. deny coverage under this general permit and require the discharger to obtain coverage under an individual NPDES permit (see subpart 6.12 below).

## 2.7. Where to Submit the NOI, SWPPP and Permitting Fee?

The applicant shall submit the NOI, SWPPP and permitting fee to an appropriate TDEC Environmental Field Office (EFO) for the county(ies) where the construction activity is located and where storm water discharges enters waters of the state. If a site straddles a county line of counties that are in areas of different EFOs, the operators shall send NOIs to each EFO. The permitting fee should be submitted to the EFO that provides coverage for the majority of the proposed construction activity.

A list of counties and the corresponding EFOs is provided in subpart 2.8 below. The division's Nashville Central Office will serve as a processing office for NOIs submitted by federal or state agencies (including, but not limited to the Tennessee Department of Transportation (TDOT), Tennessee Valley Authority (TVA)) and the local [MS4](#) program.

## 2.8. List of the TDEC Environmental Field Offices (EFOs) and Corresponding Counties

EFO Name	List of Counties
<a href="#">Chattanooga</a>	Bledsoe, Bradley, Grundy, Hamilton, Marion, McMinn, Meigs, Polk, Rhea, Sequatchie
<a href="#">Columbia</a>	Bedford, Coffee, Franklin, Giles, Hickman, Lawrence, Lewis, Lincoln, Marshall, Maury, Moore, Perry, Wayne
<a href="#">Cookeville</a>	Cannon, Clay, Cumberland, De Kalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, Van Buren, Warren, White
<a href="#">Jackson</a>	Benton, Carroll, Chester, Crockett, Decatur, Dyer, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Lake, Lauderdale, Madison, McNairy, Obion, Weakley
<a href="#">Johnson City</a>	Carter, Greene, Hancock, Hawkins, Johnson, Sullivan, Unicoi, Washington
<a href="#">Knoxville</a>	Anderson, Blount, Campbell, Claiborne, Cocke, Grainger, Hamblen, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, Union
<a href="#">Memphis</a>	Fayette, Shelby, Tipton
<a href="#">Nashville</a>	Cheatham, Davidson, Dickson, Houston, Humphreys, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, Wilson

TDEC may be reached by telephone at the toll-free number 1-888-891-8332 (TDEC). Local EFOs may be reached directly when calling this number from the construction site, using a land line.

## 3. STORM WATER POLLUTION PREVENTION PLAN (SWPPP) REQUIREMENTS

### 3.1. The General Purpose of the SWPPP

A comprehensive SWPPP must be prepared prior to submission of an NOI as required in section 1.4.2 above. The initial permittee must implement the SWPPP as written from commencement of construction activity until final stabilization is complete, or until the permittee does not have design or operational control of any portion of the construction site. Requirements for termination of site coverage are provided in part 7 below.

At least one site-specific SWPPP must be developed for each construction project or site covered by this permit. Such SWPPP must be prepared in accordance with good engineering practices and the latest edition of the [Tennessee Erosion and Sediment Control Handbook](#). The handbook is designed to provide information to planners, developers, engineers, and contractors on the proper



selection, installation, and maintenance of Best Management Practices (BMPs). The SWPPP must:

- a) identify all potential sources of pollution which are likely to affect the quality of storm water discharges from the construction site;
- b) describe practices to be used to reduce pollutants in storm water discharges from the construction site; and
- c) assure compliance with the terms and conditions of this permit.

Once a definable area has been finally stabilized, the permittee may mark this on the SWPPP and no further SWPPP or inspection requirements apply to that portion of the site (e.g., earth-disturbing activities around one of three buildings in a complex are done and the area is finally stabilized, one mile of a roadway or pipeline project is done and finally stabilized, etc).

For more effective coordination of Best Management Practices (BMPs) and opportunities for cost sharing, a cooperative effort by the different operators at a site to prepare and participate in a comprehensive SWPPP is encouraged. Primary permittees at a site may, but are not required, to develop separate SWPPPs that cover only their portion of the project. In instances where there is more than one SWPPP for a site, the permittees must ensure the storm water discharge controls and other measures are compatible with one another and do not prevent another operator from complying with permit conditions. The comprehensive SWPPP developed and submitted by the initial permittee (typically owner/developer) must assign responsibilities to various operators (typically contractors) and coordinate all BMPs at the construction site. Assignment and coordination can be done by name or by job title.

#### 3.1.1. Registered engineer or landscape architect requirement

The narrative portion of the SWPPP may be prepared by an individual that has a working knowledge of erosion prevention and sediment controls, such as a Certified Professional in Erosion and Sediment Control ([CPESC](#)). For SWPPPs that include preparation of plans and specifications for any building or structure, including the design of sediment basins or other sediment controls involving structural, hydraulic, hydrologic or other engineering calculations, those SWPPPs shall be prepared by a licensed professional engineer or landscape architect in accordance with the Tennessee Code Annotated, Title 62, Chapter 2 (see part 8 below) and the rules of the Tennessee Architectural and Engineering Examiners Board. Engineering design of sediment basins and other sediment controls must be included in SWPPPs for construction sites involving disturbance of 10 or more acres. This requirement is in addition to any requirements of Title 62, Chapter 2 and the rules promulgated thereunder, including without limitation, any definition of the scope of practice of engineering or landscape architecture.

### 3.2. **Deadlines for SWPPP Preparation and Compliance**

#### 3.2.1. Existing site

Operator(s) of an existing site presently permitted under division's previous construction general permit shall maintain full compliance with the current SWPPP. The current SWPPP should be modified, if necessary, to meet requirements of this new general permit, and the SWPPP changes implemented no later than 12 months following the new permit effective date (June 17, 2005). The permittee shall make the updated SWPPP available for the division's review upon request.

3.2.2. New site

For discharges not authorized under an NPDES permit as of the effective date of this permit, the SWPPP shall be completed prior to the submittal of an NOI to be covered under this permit and updated as appropriate.

**3.3. Signature Requirements, Plan Review and Making Plans Available**

3.3.1. Signature requirements for a SWPPP

The SWPPP shall be signed by the operator(s) in accordance with subpart 6.7 below, and if applicable, certified according to requirements in section 3.1.1 above. A copy of the SWPPP shall be retained on-site at the location which generates the storm water discharge in accordance with part 5 below of this permit. If the site is inactive or does not have an onsite location adequate to store the SWPPP, the location of the SWPPP, along with a contact phone number, shall be posted on site. If the SWPPP is located offsite, reasonable local access to the plan, during normal working hours, must be provided as described in section 3.3.2 below.

The permittee shall make updated plans and inspection reports available upon request to the director, local agency approving erosion prevention and sediment control plan, grading plans, or storm water management plans, or the operator of an [MS4](#).

3.3.2. Posting information at the construction site

The permittee shall post a notice near the main entrance of the construction site accessible to the public with the following information:

- a) a copy of the notice of coverage (NOC) with the NPDES permit tracking number for the construction project;
- b) name, company name, E-mail address (if available), telephone number and address of the project site owner or a local contact person;
- c) a brief description of the project; and
- d) the location of the SWPPP if the site is inactive or does not have an on-site location to store the plan.

The notice must be maintained in a legible condition. If posting this information near a main entrance is infeasible due to safety concerns, or not accessible to the public, the notice shall be posted in a local public building. If the construction project is a linear construction project (e.g., pipeline, highway, etc.), the notice must be placed in a publicly accessible location near where construction is actively underway and moved as necessary. This permit does not provide the public with any right to trespass on a construction site for any reason, including inspection of a site. This permit does not require that permittees allow members of the public access to a construction site.

### **3.4. Keeping Plans Current**

#### **3.4.1. SWPPP modifications**

The permittee must modify and update the SWPPP:

- a) whenever there is a change in the scope of the project, which would be expected to have a significant effect on the discharge of pollutants to the waters of the state and which has not otherwise been addressed in the SWPPP;
- b) whenever inspections or investigations by site operators, local, state or federal officials indicate the SWPPP is proving ineffective in eliminating or significantly minimizing pollutants from sources identified under section 3.5.2 below of this permit, or is otherwise not achieving the general objectives of controlling pollutants in storm water discharges associated with construction activity;
- c) to identify any new operator (typically contractor and/or subcontractor) as needed to reflect operational or design control that will implement a measure of the SWPPP (see subparts 2.1 and 2.2 above for further description of which operators must be identified); and
- d) to include measures necessary to prevent a negative impact to legally protected state or federally listed fauna or flora (or species proposed for such protection). Amendments to the SWPPP may be reviewed by the division, a local [MS4](#), the EPA or an authorized regulatory agency.

### **3.5. Components of the SWPPP**

The SWPPP shall include the following items, as described in sections 3.5.1 to 3.5.10 below: site description, description of storm water runoff controls, erosion prevention and sediment controls, storm water management, description of the items needing control, approved local government sediment and erosion control requirements, maintenance, inspections, pollution prevention measures for non-storm water discharges, and documentation of permit eligibility related to Total Maximum Daily Loads ([TMDL](#)).

#### **3.5.1. Site description**

Each plan shall provide a description of pollutant sources and other information as indicated below:

- a) a description of all construction activities at the site (not just grading and street construction);
- b) the intended sequence of major activities which disturb soils for major portions of the site (e.g., grubbing, excavation, grading, utilities and infrastructure installation, etc.);
- c) estimates of the total area of the site and the total area that is expected to be disturbed by excavation, grading, filling, or other construction activities;
- d) a description of the topography of the site including an estimation of the percent slope and the variation in percent slope found on the site; such estimation should be on a basis of a drainage area serving each outfall, rather than an entire project;
- e) any data describing the soil (data may be referenced or summarized) and how the soil type will dictate the needed control measures and the expected quality of any discharge from the site;

- f) an estimate of the runoff coefficient of the site after construction activities are completed and how the runoff will be handled to prevent erosion at the permanent outfall and receiving stream;
- g) an erosion prevention and sediment control map of the site with the proposed construction area clearly outlined. The map should indicate the boundaries of the permitted area, drainage patterns and approximate slopes anticipated after major grading activities, areas of soil disturbance, an outline of areas which are not to be disturbed, the location of major structural and nonstructural controls identified in the SWPPP, the location of areas where stabilization practices are expected to occur, surface waters including wetlands, sinkholes, and careful identification on the site map of outfall points intended for coverage under the general permit for storm water discharges from the site;
- h) a description of any discharge associated with industrial activity other than construction storm water that originates on site and the location of that activity and its permit number;
- i) identification of any stream or wetland on or adjacent to the project, a description of any anticipated alteration of these waters and the permit number or the tracking number of the Aquatic Resources Alteration Permit or Section 401 Certification issued for the alteration;
- j) the name of the receiving water(s), and approximate size and location of affected wetland acreage at the site;
- k) if applicable, identify and outline the buffer zones established to protect waters of the state located within the boundaries of the project;
- l) for projects which will be subdivided, such as residential developments or industrial parks, the developer/owner must describe how he will prevent erosion and/or control any sediment from portions of the property that will be sold prior to completion of construction; once the property is sold, new operator must obtain coverage under this permit, and assume operational control and responsibility of that portion of the site;
- m) for projects of more than 50 acres, the construction phases must be described; and
- n) if only a portion of the total acreage of the construction site is to be disturbed, then the protections employed to limit the disturbance must be discussed, i.e., caution fence, stream side buffer zones, etc.

### 3.5.2. Description of storm water runoff controls

The SWPPP shall include a description of appropriate erosion prevention and sediment controls and other Best Management Practices (BMPs) that will be implemented at the construction site. The SWPPP must clearly describe each major activity which disturbs soils for major portions of the site (e.g., grubbing, excavation, grading, utilities and infrastructure installation, etc.):

- a) appropriate control measures and the general timing for the measures to be implemented during construction activities; and
- b) which permittee is responsible for implementation of which controls.

The SWPPP must include erosion control drawings showing the approximate location of each control measure along with a description of the timing during the construction process for implementing each measure (e.g., prior to the start of earth disturbance, as the slopes are altered and after major grading is finished). The description and implementation of controls shall address the following minimum components, as described in sections 3.5.3, 3.5.4 and 3.5.5 below. Additional controls may be necessary to comply with section 4.3.2 below.

### 3.5.3. Erosion prevention and sediment controls

#### 3.5.3.1. General criteria and requirements

- a) The construction-phase erosion prevention controls shall be designed to minimize the dislodging and suspension of soil in water. Sediment controls shall be designed to retain mobilized sediment on site.
- b) All control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications (where applicable) and good engineering practices. All control measures selected must be able to slow runoff so that rill and gully formation is prevented. When steep slopes and/or fine particle soils are present at the site, additional physical or chemical treatment of storm water runoff may be required, and must be fully described. If periodic inspections or other information indicates a control has been used inappropriately, or incorrectly, the permittee must replace or modify the control for relevant site situations.
- c) If permanent or temporary vegetation is to be used as a control measure, then the timing of the planting of the vegetation cover must be discussed in the SWPPP. Delay in planting cover vegetation until winter months or dry months should be avoided, if possible.
- d) If sediment escapes the construction site, off-site accumulations of sediment that have not reached a stream must be removed at a frequency sufficient to minimize offsite impacts (e.g., fugitive sediment that has escaped the construction site and has collected in a street must be removed so that it is not subsequently washed into storm sewers and streams by the next rain and/or so that it does not pose a safety hazard to users of public streets). Permittees shall not initiate remediation/restoration of a stream without consulting the division first. This permit does not authorize access to private property. Arrangements concerning removal of sediment on adjoining property must be settled by the permittee with the adjoining landowner.
- e) Sediment should be removed from sediment traps, silt fences, sedimentation ponds, and other sediment controls as necessary, and must be removed when design capacity has been reduced by 50%.
- f) Litter, construction debris, and construction chemicals exposed to storm water shall be picked up prior to anticipated storm events or before being carried off of the site by wind (e.g., forecasted by local weather reports), or otherwise prevented from becoming a pollutant source for storm water discharges (e.g., screening outfalls, daily pick-up, etc.). After use, materials used for erosion prevention and sediment control should be removed or otherwise prevented from becoming a pollutant source for storm water discharges.
- g) Offsite erodible material storage areas (also including overburden and stockpiles of dirt, etc.) used primarily by the permitted project are considered a part of the project and shall be addressed in the SWPPP and included in the fee calculation.
- h) Pre-construction vegetative ground cover shall not be destroyed, removed or disturbed more than 10 days prior to grading or earth moving unless the area is seeded and/or mulched or other temporary cover is installed.
- i) Clearing and grubbing must be held to the minimum necessary for grading and equipment operation.
- j) Construction must be sequenced to minimize the exposure time of graded or denuded areas.
- k) Construction must be phased for projects in which over 50 acres of soil will be disturbed. Areas of the completed phase must be stabilized within 15 days (see subsection 3.5.3.2

below). No more than 50 acres of active soil disturbance is allowed at any time during the construction project.

- l) Erosion prevention and sediment control measures must be in place and functional before earth moving operations begin, and must be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the workday, but must be replaced at the end of the workday.
- m) The following records shall be maintained on or near site: the dates when major grading activities occur; the dates when construction activities temporarily or permanently cease on a portion of the site; the dates when stabilization measures are initiated; inspection records and rainfall records.
- n) Permittees shall maintain a rain gauge and daily rainfall records at the site, or use a reference site for a record of daily amount of precipitation.

#### 3.5.3.2. Stabilization practices

The SWPPP shall include a description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Site plans should comply with buffer zone requirements (see section 4.4.2 below), if applicable, in which construction activities, borrow and/or fill are prohibited. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Use of impervious surfaces for final stabilization in lieu of a permanent vegetative cover should be avoided where practicable. No stabilization, erosion control or sediment treatment measures are to be installed in a stream without obtaining an Aquatic Resource Alteration Permit (ARAP).

Stabilization measures shall be initiated as soon as possible in portions of the site where construction activities have temporarily or permanently ceased. Temporary or permanent soil stabilization at the construction site (or a phase of the project) must be completed not later than 15 days after the construction activity in that portion of the site has temporarily or permanently ceased. In the following situations, temporary stabilization measures are not required:

- a) where the initiation of stabilization measures is precluded by snow cover or frozen ground conditions or adverse soggy ground conditions, stabilization measures shall be initiated as soon as practicable; or
- b) where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 15 days.

Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable. Unpacked gravel containing fines (silt and clay sized particles) or crusher runs will not be considered a non-eroding surface.

#### 3.5.3.3. Structural practices

The SWPPP shall include a description of structural practices to divert flows from exposed soils, store flows or otherwise limit runoff and discharge of pollutants from exposed areas of the site. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet

protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Structural controls shall not be placed in streams or wetlands except as authorized by a section 404 permit and/or Aquatic Resource Alteration Permit.

Erosion prevention and sediment control measures shall be designed according to the size and slope of disturbed drainage areas with the goal of detaining runoff and trapping sediment. In addition, erosion prevention and sediment controls shall be designed to control the rainfall and runoff from a 2 year, 24 hour storm, as a minimum. When clay and other fine particle soils are present at the construction site, chemical treatment may be used to minimize amount of sediment being discharged.

For an outfall in a drainage area of a total of 10 or more acres, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from a 2 year, 24 hour storm and runoff from each acre drained, or equivalent control measures, shall be provided until final stabilization of the site. Where an equivalent control measure is substituted for a sediment retention basin, the equivalency must be justified to the division. Runoff from any undisturbed acreage should be diverted around the disturbed area and the sediment basin. Diverted runoff can be omitted from the volume calculation. Sediment storage expected from the disturbed areas must be included and a marker installed signifying the need for cleanout of the basin.

All calculations of drainage areas, runoff coefficients and basin volumes must be provided in the SWPPP. The discharge structure from a sediment basin must be designed to retain sediment during the lower flows. Muddy water to be pumped from excavation and work areas must be held in settling basins or filtered or chemically treated prior to its discharge into surface waters. Water must be discharged through a pipe, well-grassed or lined channel or other equivalent means so that the discharge does not cause erosion and sedimentation. Discharged water must not cause an objectionable color contrast with the receiving stream.

#### 3.5.4. Storm water management

The SWPPP shall include a description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed.

For projects discharging to waters considered impaired by sediment or habitat alteration due to in-channel erosion, the SWPPP shall include a description of measures that will be installed during the construction process to control pollutants and any increase in the volume of storm water discharges that will occur after construction operations have been completed. For steep slope sites, the SWPPP shall also include a description of measures that will be installed to dissipate the volume and energy of the storm water runoff to pre-development levels.

This permit only addresses the installation of storm water management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed, the site has undergone final stabilization, and the permit coverage has been terminated. Permittees are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges associated with construction activity have been eliminated from the site. All permittees are encouraged to limit the amount of post construction runoff, if not required by local building regulations, in order to minimize in-stream channel erosion in the receiving stream.

Construction storm water runoff management practices may include: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices).

Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel to provide a non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (no significant changes in the hydrological regime of the receiving water). The SWPPP shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed pre-development levels.

3.5.5. Other items needing control

- a) No solid materials, including building materials, shall be placed in waters of the state, except as authorized by a section 404 permit and/or Aquatic Resource Alteration Permit.
- b) Off-site vehicle tracking of sediments and the generation of dust shall be minimized. A stabilized construction access (a point of entrance/exit to a construction site) shall be described and implemented, as needed, to reduce the tracking of mud and dirt onto public roads by construction vehicles.
- c) For installation of any waste disposal systems on site, or sanitary sewer or septic system, the SWPPP shall provide for the necessary sediment controls. Permittees must also comply with applicable state and/or local waste disposal, sanitary sewer or septic system regulations for such systems to the extent these are located within the permitted area.
- d) The SWPPP shall include a description of construction and waste materials expected to be stored on-site with updates as appropriate. The SWPPP shall also include a description of controls used to reduce pollutants from materials stored on site, including storage practices to minimize exposure of the materials to storm water, and spill prevention and response.
- e) A description of storm water sources from areas other than construction and a description of controls and measures that will be implemented at those sites.
- f) A description of measures necessary to prevent “taking” of legally protected state or federal listed threatened or endangered aquatic fauna and/or critical habitat (if applicable). The permittee must describe and implement such measures to maintain eligibility for coverage under this permit.

3.5.6. Approved local government sediment and erosion control requirements

Permittees should comply with any additional erosion prevention, sediment controls and storm water management measures required by a local [MS4](#) program or municipality. This provision does not apply to provisions of master plans, comprehensive plans, non-enforceable guidelines or technical guidance documents that are not identified in a specific local government plan or permit that is issued for the construction site.

3.5.7. Maintenance

The SWPPP shall describe procedures to ensure that vegetation, erosion and sediment control measures, buffer zones, and other protective measures identified in the site plan are kept in good and effective operating condition. Maintenance needs identified in inspections or by other means



shall be accomplished before the next storm event, but in no case more than seven days after the need is identified.

### 3.5.8. Inspections

#### 3.5.8.1. Inspector training and certification

Inspectors must have successfully completed the “Fundamentals of Erosion Prevention and Sediment Control” course, or an equivalent course, for individuals involved in land-disturbing activities which provides a working knowledge of erosion prevention and sediment controls. An engineer or a landscape architect (see section 3.1.1 above) that prepared the drainage and structure design portion of the SWPPP may also conduct the required inspections. This requirement goes in effect 24 months following the new permit effective date (June 17, 2005). A copy of the certification or training record for inspector certification should be kept on site.

#### 3.5.8.2. Schedule of inspections

- a) Inspections described in paragraphs b, c and d below, shall be performed at least twice every calendar week. Inspections shall be performed at least 72 hours apart. Where sites or portion(s) of construction sites have been temporarily stabilized, or runoff is unlikely due to winter conditions (e.g., site covered with snow or ice), such inspection only has to be conducted once per month until thawing results in runoff or construction activity resumes. Inspections requirements do not apply to definable areas that have been finally stabilized, as described in subpart 3.1 above. Written notification of the intent to conduct only monthly inspections and the justification for such request must be submitted to the local Environmental Field Office, or the division’s Nashville Central Office for projects of the Tennessee Department of Transportation (TDOT) and the Tennessee Valley Authority (TVA).
- b) Qualified personnel (provided by the permittee or cooperatively by multiple permittees) shall inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, locations where vehicles enter or exit the site, and each outfall.
- c) Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion prevention and sediment control measures identified in the SWPPP shall be observed to ensure that they are operating correctly.
- d) Outfall points (where discharges leave the site or enter waters of the state) shall be inspected to determine whether erosion prevention and sediment control measures are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations shall be inspected. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.
- e) Based on the results of the inspection, any inadequate control measures or control measures in disrepair shall be replaced or modified, or repaired as necessary, before the next rain event if possible, but in no case more than 7 days after the need is identified.
- f) Based on the results of the inspection, the site description identified in the SWPPP in accordance with section 3.5.1 above of this permit and pollution prevention measures identified in the SWPPP in accordance with section 3.5.2 above of this permit shall be revised as appropriate, but in no case later than 7 days following the inspection. Such modifications shall provide for timely implementation of any changes to the SWPPP, but in no case later than 14 days following the inspection.

- g) Inspections shall be documented and include the scope of the inspection, name(s) and title of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan (including the location(s) of discharges of sediment or other pollutants from the site and of any control device that failed to operate as designed or proved inadequate for a particular location), and actions taken in accordance with section 3.5.8 above of this permit. Inspection documentation will be maintained on site and made available upon request. Inspection reports must be submitted to the division within 10 days of the request. Permittees not discharging into impaired or high quality waters may, but are not required to, use the inspection form provided in Appendix C.

**3.5.9. Pollution prevention measures for non-storm water discharges**

Sources of non-storm water listed in section 1.2.3 above of this permit that are combined with storm water discharges associated with construction activity must be identified in the SWPPP. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge. Any non-storm water must be discharged through stable discharge structures.

**3.5.10. Documentation of permit eligibility related to Total Maximum Daily Loads (TMDL)**

The SWPPP must include documentation supporting a determination of permit eligibility with regard to waters that have an approved [TMDL](#) for a pollutant of concern, including:

- a) identification of whether the discharge is identified, either specifically or generally, in an approved [TMDL](#) and any associated allocations, requirements, and assumptions identified for the discharge;
- b) summaries of consultation with the division on consistency of SWPPP conditions with the approved [TMDL](#), and
- c) measures taken to ensure that the discharge of pollutants from the site is consistent with the assumptions and requirements of the approved [TMDL](#), including any specific wasteload allocation that has been established that would apply to the discharge.

**4. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, AND OTHER NON-NUMERIC LIMITATIONS**

**4.1. Releases in Excess of Reportable Quantities**

The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. This permit does not relieve the permittee of the reporting requirements of [40 CFR 117](#) and [40 CFR 302](#). Where a release containing a hazardous substance in an amount equal to or in excess of a reportable quantity established under either [40 CFR 117](#) or [40 CFR 302](#) occurs during a 24 hour period:

- a) the permittee is required to notify the National Response Center (NRC) (800-424-8802) and the Tennessee Emergency Management Agency (emergencies: 800-262-3300; non-emergencies: 800-262-3400) in accordance with the requirements of [40 CFR 117](#) or [40 CFR 302](#) as soon as he or she has knowledge of the discharge;

- b) the permittee shall submit within 14 days of knowledge of the release a written description of: the release (including the type and estimate of the amount of material released), the date that such release occurred, the circumstances leading to the release, what actions were taken to mitigate effects of the release, and steps to be taken to minimize the chance of future occurrences, to the appropriate Environmental Field Office (see subpart 2.8 above); and
- c) the SWPPP required under part 3 above of this permit must be modified within 14 days of knowledge of the release: to provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the SWPPP must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

## **4.2. Spills**

This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

## **4.3. Discharge Compliance with State Water Quality Standards**

### **4.3.1. Violation of Water Quality Standards prohibited**

This permit does not authorize storm water or other discharges that would result in a violation of a state water quality standard (the TDEC Rules, Chapters [1200-4-3](#), [1200-4-4](#)). Such discharges constitute a violation of this permit.

Where a discharge is already authorized under this permit and the division determines the discharge to cause or contribute to the violation of applicable state water quality standards, the permitting authority will notify the operator of such violation(s). The permittee shall take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and shall document these actions in the SWPPP.

### **4.3.2. Discharge quality**

- a) The construction activity shall be carried out in such a manner that will prevent violations of water quality criteria as stated in the TDEC Rules, [Chapter 1200-4-3-.03](#). This includes but is not limited to the prevention of any discharge that causes a condition in which visible solids, bottom deposits, or turbidity impairs the usefulness of waters of the state for any of the uses designated for that water body by TDEC Rules, [Chapter 1200-4-4](#).
- b) There shall be no distinctly visible floating scum, oil or other matter contained in the storm water discharge.
- c) The storm water discharge must not cause an objectionable color contrast in the receiving stream.
- d) The storm water discharge must result in no materials in concentrations sufficient to be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life, or fish and aquatic life in the receiving stream. This provision includes species covered under subpart 1.3 above.

#### **4.4. Discharges into Impaired or High Quality Waters**

##### **4.4.1. Additional SWPPP requirements for discharges into impaired or high quality waters**

Discharges that would add loadings of a pollutant that is identified as causing or contributing to an impairment of a water body on the list of impaired waters or which would cause degradation to waters designated by TDEC as high quality waters are not authorized by this permit (see subpart 1.3 above). To be eligible to obtain and maintain coverage under this permit, the operator must satisfy, at a minimum, the following additional requirements for discharges into waters impaired by siltation (or discharges upstream of such waters and because of the proximity to the impaired segment and the nature of the discharge is likely to contribute pollutants of concern in amounts measurable in the impaired segment that may affect the impaired waters) and for discharges to waters identified by TDEC as high quality waters:

- a) The SWPPP must certify that erosion prevention and sediment controls used at the site are designed to control storm runoff generated by a 5-year, 24-hour storm event. When clay and other fine particle soils are found on sites, additional physical or chemical treatment of storm water runoff may be used.
- b) The permittee shall perform inspections described in section 3.5.8 above at least twice every calendar week. Inspections shall be performed at least 72 hours apart.
- c) The permittee must certify on a quarterly basis, on the form provided in Appendix C of this permit: i. that the twice weekly inspections of erosion and sediment controls and of outfall points were performed; and ii. whether or not all planned and designed erosion prevention and sediment controls are installed and in working order. The certification must be executed by a person who meets the signatory requirements of section 6.7.2 below of this permit. The record of certifications must be kept at the construction site with a copy of the SWPPP. For record retention requirements, see part 5 below.
- d) In the event the division finds that a discharger is complying with the SWPPP, but contributing to the impairment of receiving stream, then the discharger will be notified by the director in writing that the discharge is no longer eligible for coverage under the general permit. The permittee may update the SWPPP and implement the changes designed to eliminate further impairment of the receiving stream. If the permittee does not implement the SWPPP changes within 7 days of receipt of notification, the permittee will be notified in writing that continued discharges must be covered by an individual permit (see subpart 6.12 below). To obtain the individual permit, the operator must file an individual permit application. The project must be stabilized until such time as the SWPPP is re-developed and the individual permit is issued. No earth disturbing activities, except those necessary for stabilization, are authorized to continue until the individual permit is issued.
- e) For an outfall in a drainage area of a total of 5 or more acres, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from a 5 year, 24 hour storm and runoff from each acre drained, or equivalent control measures, shall be provided until final stabilization of the site. A drainage area of 5 or more acres includes both disturbed and undisturbed portions of the site or areas adjacent to the site, all draining through the common outfall. Where an equivalent control measure is substituted for a sediment retention basin, the equivalency must be justified. Runoff from any undisturbed acreage should be diverted around the disturbed area and the sediment basin and, if so, can be omitted from the volume calculation. Sediment storage expected from the disturbed areas must be included and a marker installed signifying a cleanout need.

- f) The director may require revisions to the SWPPP necessary to prevent a negative impact to legally protected state or federally listed aquatic fauna, their habitat, or the receiving waters.

#### 4.4.2. Buffer zone requirements for discharges into impaired or high quality waters

A 60-foot natural riparian buffer zone adjacent to the receiving stream designated as impaired or high quality waters shall be preserved, to the maximum extent practicable, during construction activities at the site. The water quality buffer zone is required to protect waters of the state (e.g., perennial and intermittent streams, rivers, lakes, wetlands) located within or immediately adjacent to the boundaries of the project, as identified on a 7.5-minute USGS quadrangle map, or as determined by the director. Buffer zones are not sediment control measures and should not be relied upon as primary sediment control measures. Rehabilitation and enhancement of a natural buffer zone is allowed, if necessary, for improvement of its effectiveness of protection of the waters of the state. The buffer zone requirement only applies to new construction sites, as described in section 2.4.2 above.

The riparian buffer zone should be established between the top of stream bank and the disturbed construction area. The 60-foot criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than 25 feet at any measured location.

Every attempt should be made for construction activities not to take place within the buffer zone. BMPs providing equivalent protection to a receiving stream as a natural riparian zone may be used at a construction site. Such equivalent BMPs shall be designed to be as effective in reduction of sediment in storm water runoff as a natural riparian zone. A justification for use and a design of equivalent BMPs shall be included in the SWPPP. Such equivalent BMPs are expected to be routinely used at construction projects typically located adjacent to surface waters. These projects include, but are not limited to: sewer line construction, roadway construction, utility line or equipment installation, greenway construction, construction of a permanent outfall or a velocity dissipating structure, etc.

This requirement does not apply to any valid Aquatic Resource Alteration Permits (ARAP), or equivalent permits issued by federal authorities. Additional buffer zone requirements may be established by the local [MS4](#) program.

#### 4.4.3. Pre-Approved Sites

Construction activity at sites that have been pre-approved before the issuance date of this permit (June 16, 2005) are exempt from the design storm requirements of section 4.4.1 a) and e) above and the buffer requirements of section 4.4.2 above. Evidence of pre-approval for highway projects shall be a final right-of-way plan and for other construction projects, the final design drawings with attached dated, written approval by the local, state or federal agency with authority to approve such design drawings for construction.

## **5. RETENTION, ACCESSIBILITY AND SUBMISSION OF RECORDS**

### **5.1. Documents**

The permittee shall retain copies of storm water pollution prevention plans and all reports required by this permit, and records of all data used to complete the NOI and the NOT to be covered by this permit, for a period of at least one year from the date the notice of termination is filed. This period may be extended by written request of the director.

### **5.2. Accessibility and Retention of Records**

The permittee shall retain a copy of the SWPPP required by this permit (including a copy of the permit) at the construction site (or other local location accessible to the director and the public) from the date construction commences to the date of termination of permit coverage. Permittees with day-to-day operational control over pollution prevention plan implementation shall have a copy of the SWPPP available at a central location onsite for the use of all operators and those identified as having responsibilities under the plan whenever they are on the construction site. Once coverage is terminated, the permittee shall maintain a copy of all records for a period of three years.

### **5.3. Electronic Submission of NOIs, NOTs and Reports**

If the division notifies dischargers (directly by mail or E-mail, by public notice, or by making information available on the world wide web) of electronic forms or other report options that become available at a later date (e.g., electronic submission of forms), the operators may take advantage of those options to satisfy the NOI, NOT and other report notification requirements.

## **6. STANDARD PERMIT CONDITIONS**

### **6.1. Duty to Comply**

#### **6.1.1. Permittee's duty to comply**

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Tennessee Water Quality Control Act (TWQCA) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

#### **6.1.2. Penalties for violations of permit conditions**

Pursuant to [T.C.A. § 69-3-115](#) of The Tennessee Water Quality Control Act of 1977, as amended:

- a) any person who violates an effluent standard or limitation or a water quality standard established under this part ([T.C.A. § 69-3-101](#), et. seq.); violates the terms or conditions of this permit; fails to complete a filing requirement; fails to allow or perform an entry, inspection, monitoring or reporting requirement; violates a final determination or order of the board, panel or commissioner; or violates any other provision of this part or any rule or regulation promulgated by the board, is subject to a civil penalty of up to ten thousand dollars (\$10,000) per day for each day during which the act or omission continues or occurs;

- b) any person unlawfully polluting the waters of the state or violating or failing, neglecting, or refusing to comply with any of the provisions of this part (T.C.A. § 69-3-101, et. seq.) commits a Class C misdemeanor. Each day upon which such violation occurs constitutes a separate offense;
- c) any person who willfully and knowingly falsifies any records, information, plans, specifications, or other data required by the board or the commissioner, or who willfully and knowingly pollutes the waters of the state, or willfully fails, neglects or refuses to comply with any of the provisions of this part (T.C.A. § 69-3-101, et. seq.) commits a Class E felony and shall be punished by a fine of not more than twenty-five thousand dollars (\$25,000) or incarceration, or both.

**6.1.3. Civil and criminal liability**

Nothing in this permit shall be construed to relieve the discharger from civil or criminal penalties for noncompliance. Notwithstanding this permit, the discharger shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the discharge to any surface or subsurface waters. Additionally, notwithstanding this permit, it shall be the responsibility of the discharger to conduct storm water discharge activities in a manner such that public or private nuisances or health hazards will not be created. Furthermore, nothing in this permit shall be construed to preclude the State of Tennessee from any legal action or relieve the discharger from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or the Federal Water Pollution Control Act.

**6.1.4. Liability under state law**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable local, state or federal law.

**6.2. Continuation of the Expired General Permit**

This permit expires on May 30, 2010. Permittees may maintain coverage under the expired general permit (until a new general permit is issued) by providing notice to the division at least 30 days prior to the expiration date of this general permit. The notice may be submitted in a letter, or by re-submitting the NOI form. The notice shall be submitted to the appropriate Environmental Field Office of the Division of Water Pollution Control, as provided in subpart 2.8 above. The notice must be signed in accordance with section 6.7.1 below of this permit and must contain the following information:

- a) the existing construction storm water general permit tracking number;
- b) the name of the construction site and the city and county where located; and
- c) name, address and telephone number of the operator.

Permittees who choose not to maintain coverage under the expired general permit, or are required to obtain an individual permit, must submit an application (Forms 1 and 2F and any other applicable forms) at least 180 days prior to expiration of this general permit. Permittees who are eligible and choose to be covered by the new general permit must submit an NOI by the date specified in that permit. Facilities that have not obtained coverage under this permit by the permit expiration date cannot become authorized to discharge under the continued permit.

### **6.3. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

### **6.4. Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

### **6.5. Duty to Provide Information**

The permittee shall furnish to the division or an authorized representative of the division, within a time specified by the division, any information that the division may request to determine compliance with this permit or other information relevant to the protection of the waters of the state. The permittee shall also furnish to the division, upon request, copies of records required to be kept by this permit.

### **6.6. Other Information**

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the director, he or she shall promptly submit such facts or information.

### **6.7. Signatory Requirements**

All Notices of Intent (NOI), storm water pollution prevention plans (SWPPPs), requests for termination of permit coverage, reports, certifications or information either submitted to the director or the operator of a large or medium municipal separate storm sewer system and/or any other information either submitted to the division, or that this permit requires be maintained by the permittee, shall be signed and dated.

#### **6.7.1. Signatory requirements for a notice of intent (NOI)<sup>1</sup>**

NOI shall be signed as follows:

- a) For a corporation, by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
  - (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or

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<sup>1</sup> As specified in 40 CFR 122.22(a)(1)-(3) [48 FR 14153, Apr. 1, 1983, as amended at 48 FR 39619, Sept. 1, 1983; 49 FR 38047, Sept. 29, 1984; 50 FR 6941, Feb. 19, 1985; 55 FR 48063, Nov. 16, 1990; 65 FR 30907, May 15, 2000]



(ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated site including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

NOTE: The division does not require specific assignments or delegations of authority to responsible corporate officers. The division will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals.

- b) For a partnership or sole proprietorship, by a general partner or the proprietor, respectively.
- c) For a municipality, state, federal, or other public agency, by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
  - (i) the chief executive officer of the agency, or
  - (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

6.7.2. Signatory requirements for reports

Storm water pollution prevention plans, reports, certifications or other information submittals required by the permit and other information requested by the division shall be signed by a person described in section 6.7.1 above, or by a duly authorized representative of that person.

6.7.3. Duly authorized representative

For a purpose of satisfying signatory requirements for reports (see section 6.7.2 above), a person is a duly authorized representative only if:

- a) the authorization is made in writing by a person described in section 6.7.1 above;
- b) the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated site or activity such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; a duly authorized representative may thus be either a named individual or any individual occupying a named position and,
- c) the written authorization is submitted to the director.

6.7.4. Changes to authorization

If an authorization under section 6.7.3 above is no longer accurate because a different individual or position has responsibility for the overall operation of the site, a new authorization satisfying the requirements of section 6.7.4 above must be submitted to the director prior to or together with any reports, information, or applications to be signed by an authorized representative.

6.7.5. Certification

Any person signing a document under section 6.7.1 above shall make the following certification:

*“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”*

6.7.6. Signatory requirements for secondary permittees

Secondary permittees (typically construction contractors) required to sign an NOI and SWPPP because they meet the definition of an operator but who are not primarily responsible for preparing an NOI and SWPPP, shall sign the following certification statement on the NOI and SWPPP:

*“I certify under penalty of law that I have reviewed this document, any attachments, and the SWPPP referenced above. Based on my inquiry of the construction site owner/developer identified above and/or my inquiry of the person directly responsible for assembling this NOI and SWPPP, I believe the information submitted is accurate. I am aware that this NOI, if approved, makes the above-described construction activity subject to NPDES permit number TNR100000, and that certain of my activities on-site are thereby regulated. I am aware that there are significant penalties, including the possibility of fine and imprisonment for knowing violations, and for failure to comply with these permit requirements.”*

**6.8. Penalties for Falsification of Reports**

Knowingly making any false statement on any report or form required by this permit may result in the imposition of criminal penalties as provided for in [Section 309 of the Clean Water Act](#) and in [T.C.A. §69-3-115](#) of the Tennessee Water Quality Control Act.

**6.9. Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be

subject to [Section 311 of the Clean Water Act](#) or [Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act](#) of 1980 (CERCLA).

#### **6.10. Property Rights**

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. The issuance of this permit does not authorize trespassing or discharges of storm water or non-storm water across private property.

#### **6.11. Severability**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

#### **6.12. Requiring an Individual Permit**

##### **6.12.1. Director can require a site to obtain an individual permit**

The director may require any person authorized by this permit to apply for and/or obtain an individual NPDES permit in order to obtain adequate protection of designated uses of a receiving stream. Any interested person may petition the director in writing to take action under this paragraph, but must include in their petition the justification for such an action. Where the director requires a discharger authorized to discharge under this permit to apply for an individual NPDES permit, the director shall notify the discharger in writing that a permit application is required. This notification will include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the discharger to file the application, and a statement that coverage under this general permit shall terminate upon the effective date of an individual NPDES permit or denial of coverage under an individual permit. The notification may require stabilization of the site and suspend coverage under this general permit until the individual permit is issued. Applications shall be submitted to the appropriate Environmental Field Office of the division as indicated in subpart 2.8 above of this permit. The director may grant additional time to submit the application upon request of the applicant. If a discharger fails to submit in a timely manner an individual NPDES permit application as required by the director under this paragraph, then the applicability of this permit to the discharger will be terminated at the end of the day specified by the director for application submittal.

If the decision to require an individual NPDES permit precedes the issuance of coverage under this general permit, earth disturbing activities cannot begin until the individual permit is issued.

**6.12.2. Permittee may request individual permit instead of coverage under this general permit**

Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the permittee shall submit an individual application in accordance with the requirements of [40 CFR 122.26\(c\)\(1\)\(ii\)](#), with reasons supporting the request, to the appropriate division's Environmental Field Office. The request may be granted by issuance of an individual permit, or alternative general permit, if the reasons cited by the permittee are adequate to support the request.

**6.12.3. Individual permit terminates general permit**

When an individual NPDES permit is issued to a discharger otherwise subject to this permit, or the discharger is authorized to discharge under an alternative NPDES general permit, the applicability of this permit to the discharger is terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is terminated on the date of such denial, unless otherwise specified by the director. Coverage under the Tennessee Multi-Sector General Permit for the Discharge of Storm Water from an Industrial Activity (TMSP) will not be considered as an alternative general permit under this section without being specified by the director.

**6.13. Other, Non-Storm Water, Program Requirements**

No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

**6.14. Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related equipment) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water pollution prevention plans.

Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee, when determined by the permittee or the division to be necessary to achieve compliance with the conditions of the permit.

**6.15. Inspection and Entry**

The permittee shall allow authorized representatives of the Environmental Protection Agency, the director or an authorized representative of the commissioner of TDEC, or, in the case of a construction site which discharges through a municipal separate storm sewer, an authorized representative of the [MS4](#) receiving the discharge, upon the presentation of credentials and other documents as may be required by law:

- a) to enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;

- b) to have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and
- c) to inspect any facilities or equipment (including monitoring and control equipment).

## **6.16. Permit Actions**

This permit may be issued, modified, revoked, reissued or terminated for cause in accordance with this permit and the applicable requirements of [T.C.A. § 69-3-108](#). The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

## **7. REQUIREMENTS FOR TERMINATION OF COVERAGE**

### **7.1. Requesting Termination of Coverage**

Operators wishing to terminate coverage under this permit must submit a completed notice of termination (NOT). The notice shall be submitted on the division's NOT form provided in Appendix B of this permit (or copy thereof). The division will review NOTs for completeness and accuracy and, when necessary, investigate the proposed termination of coverage.

#### **7.1.1. Termination of site coverage**

The permittee must request termination of coverage under this permit when a site, or a portion of the site, has been finally stabilized and all storm water discharges from construction activities that are authorized by this permit are eliminated. Compliance with this permit is required until the complete NOT form is submitted.

Termination of permit coverage for a construction site (or a portion of the site) can be requested only by a primary permittee that has operational and/or design control of the site (or a portion of the site). For the purpose of the certification in section 7.1.3 below, the primary permittee must retain permit coverage until all construction within the development (including, but not limited to, infrastructure, common areas, storm water drainage structures, sediment control basin, etc.) is completed and all disturbed soils have been finally stabilized and temporary erosion and sediment control measures have been removed.

When the initial permittee has sold and ceases to have operational control over the entire construction site, the termination of coverage will be effective when the replacement NOC has been issued to the new operator (transfer of coverage) according to requirements in section 2.4.3 above (New operator).

The division will review NOTs for completeness and accuracy and, when necessary, investigate the proposed site for which the NOT was submitted. Upon completing the NOT review, the division will:

- a) prepare and transmit a notification that a NOT form was received;
- b) notify the applicant of needed changes to their NOT submittal; or
- c) deny a request for termination of coverage under this general permit.

The division retains the right to deny termination of coverage under this general permit upon receipt of the NOT. If the EFO has information indicating that the permit coverage is not eligible

for termination, written notification will be provided that permit coverage has not been terminated. The notification will include a summary of existing deficiencies.

7.1.2. Termination of contractor coverage

Contractors must request a termination of coverage under this permit when they are no longer an operator at the construction site. Contractors are considered secondary permittees and do not receive a notice of coverage under this permit. Therefore, the division will not notify contractors that their permit coverage has been terminated.

7.1.3. NOT certification

The NOT and the following certification must be signed in accordance with subpart 6.7 above (Signatory Requirements) of this permit:

*I certify under penalty of law that either: (a) all storm water discharges associated with construction activity from the portion of the identified facility where I was an operator have ceased or have been eliminated or (b) I am no longer an operator at the construction site. I understand that by submitting this notice of termination, I am no longer authorized to discharge storm water associated with construction activity under this general permit, and that discharging pollutants in storm water associated with construction activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit. I also understand that the submittal of this notice of termination does not release an operator from liability for any violations of this permit or the Clean Water Act.*

**7.2. Where to Submit a Notice of Termination (NOT)?**

The NOT shall be submitted to the Environmental Field Office (EFO) which issued the notice of coverage (NOC) for the construction site. A list of counties and the corresponding EFOs is provided in subpart 2.8 above. The appropriate permit tracking number must be clearly printed on the form.

**8. DEFINITIONS**

**24-Hour Rainfall Amounts by Return Period** in Tennessee are summarized in the following table (from Rainfall Atlas of the United States, TP-40; see also <http://www.intelisolve.com/>)

	24-Hour Rainfall Amounts in Inches					
	2-year	5-year	10-year	25-year	50-year	100-year
Memphis	4.0	5.0	5.7	6.5	7.2	7.9
Nashville	3.5	4.4	4.9	5.7	6.4	6.8
Chattanooga	3.6	4.6	5.2	6.1	6.8	7.1
Knoxville	3.2	4.0	4.6	5.3	6.0	6.4

**“Best Management Practices”** (“BMPs”) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the state. BMPs also include treatment requirements,

operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**“Borrow Pit”** is an excavation from which erodible material (typically soil) is removed to be fill for another site. There is no processing or separation of erodible material conducted at the site. Given the nature of activity and pollutants present at such excavation, a borrow pit is considered a construction activity for the purpose of this permit.

**“Buffer Zone”** is a strip of dense undisturbed perennial native vegetation, either original or re-established, that borders streams and rivers, ponds and lakes, wetlands, and seeps. Buffer zones are established for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the upland area and reaching surface waters. Buffer zones are most effective when storm water runoff is flowing into and through the buffer zone as shallow sheet flow, rather than in concentrated form such as in channels, gullies, or wet weather conveyances. Therefore, it is critical that the design of any development include management practices, to the maximum extent practical, that will result in storm water runoff flowing into and through the buffer zone as shallow sheet flow.

**“Clearing”** in the definition of discharges associated with construction activity, typically refers to removal of vegetation and disturbance of soil prior to grading or excavation in anticipation of construction activities. Clearing may also refer to wide area land disturbance in anticipation of non-construction activities; for instance, clearing forested land in order to convert forest land to pasture for wildlife management purposes. Clearing, grading and excavation do not refer to clearing of vegetation along existing or new roadways, highways, dams or power lines for sight distance or other maintenance and/or safety concerns, or cold planing, milling, and/or removal of concrete and/or bituminous asphalt roadway pavement surfaces. The clearing of land for agricultural purposes is exempt from federal storm water NPDES permitting in accordance with Section 401(1)(1) of the 1987 Water Quality Act and state storm water NPDES permitting in accordance with the Tennessee Water Quality Control Act of 1977 ([T.C.A. 69-3-101](#) et seq.).

**“Commencement of construction”** The initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.

**“Common plan of development or sale”** is broadly defined as any announcement or documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot. A common plan of development or sale identifies a situation in which multiple areas of disturbance are occurring on contiguous areas. This applies because the activities may take place at different times, on different schedules, by different operators.

**“Control measure”** As used in this permit, refers to any Best Management Practice (BMP) or other method used to prevent or reduce the discharge of pollutants to waters of the state.

**“CWA”** means the Clean Water Act of 1977 or the Federal Water Pollution Control Act ([33 U.S.C. 1251](#), et seq.)

**“Department”** means the Department of Environment and Conservation.



**“Director”** means the director, or authorized representative, of the Division of Water Pollution Control of the State of Tennessee, Department of Environment and Conservation.

**“Discharge of storm water associated with construction activity”** As used in this permit, refers to storm water point source discharges from areas where soil disturbing activities (e.g., clearing, grading, excavation, etc.), or construction materials or equipment storage or maintenance (e.g., earth fill piles, fueling, waste material etc.) are located.

**“Division”** means the Division of Water Pollution Control of the State of Tennessee, Department of Environment and Conservation.

**“Final stabilization”** means that all soil disturbing activities at the site have been completed, and that a perennial vegetative cover sufficient to prevent erosion has been well established on all unpaved areas and areas not covered by permanent structures, and/or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

**“High quality waters”** are surface waters of the State of Tennessee that satisfy characteristics of high quality waters as listed [Chapter 1200-4-3-.06](#) of the official compilation - Rules and Regulations of the State of Tennessee. Characteristics include waters designated by the Water Quality Control Board as Outstanding National Resource Waters (ONRW); waters that provide habitat for ecologically significant populations of certain aquatic or semi-aquatic plants or animals; waters that provide specialized recreational opportunities; waters that possess outstanding scenic or geologic values; or waters where existing conditions are better than water quality standards.

**“Impaired waters”** means any segment of surface waters that has been identified by the division as failing to support classified uses. The division periodically compiles a list of such waters. The division will notify applicants and permittees if their discharge is into, or is affecting, impaired waters. For the purpose of this permit, pollutants of concern include, but are not limited to: siltation (silt/sediment) and habitat alterations. A list of the streams and lakes not meeting water quality standards in 2002 can be found at [http://www.state.tn.us/environment/wpc/publications/2002\\_303dFinal.pdf](http://www.state.tn.us/environment/wpc/publications/2002_303dFinal.pdf). A proposed final list of the streams and lakes not meeting water quality standards in 2004 can be found at [http://www.state.tn.us/environment/wpc/publications/2004\\_303dlist.pdf](http://www.state.tn.us/environment/wpc/publications/2004_303dlist.pdf).

**“Improved sinkhole”** is a natural surface depression that has been altered in order to direct fluids into the hole opening. Improved sinkhole is a type of injection well regulated under the Underground Injection Control (UIC) program. Underground injection constitutes an intentional disposal of waste waters in natural depressions, open fractures, and crevices (such as those commonly associated with weathering of limestone).

**“Linear Project”** – is a land disturbing activity as conducted by an underground/overhead utility or highway department, including but not limited to any cable line or wire for the transmission of electrical energy; any conveyance pipeline for transportation of gaseous or liquid substance; any cable line or wire for communications; or any other energy resource transmission ROW or utility infrastructure, e.g., roads and highways. Activities include the construction and installation of these utilities within a corridor. Linear project activities also include the construction of access roads, staging areas, and borrow/spoil sites associated with the linear project.

**“Monthly”** refers to calendar months.



**“Municipal Separate Storm Sewer System”** or **“MS4”** is defined at 40 CFR §122.26(b)(8) to mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. Owned and operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
2. Designed or used for collecting or conveying storm water;
3. Which is not a combined sewer; and
4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

**“NOI”** means notice of intent to be covered by this permit (see part 2 above of this permit.)

**“NOT”** means notice of termination (see part 7 above of this permit).

**“Operator”** for the purpose of this permit and in the context of storm water associated with construction activity, means any person associated with a construction project that meets either of the following two criteria:

- a) This person has operational or design control over construction plans and specifications, including the ability to make modifications to those plans and specifications. This person is typically the owner or developer of the project or a portion of the project, and is considered the primary permittee; or
- b) This person has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions. This person is typically a contractor or a commercial builder who is hired by the primary permittee, and is considered a secondary permittee.

It is anticipated that at different phases of a construction project, different types of parties may satisfy the definition of “operator.”

**“Point source”** means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include introduction of pollutants from non point-source agricultural and silvicultural activities, including storm water runoff from orchards, cultivated crops, pastures, range lands, and forest lands or return flows from irrigated agriculture or agricultural storm water runoff.

**“Qualifying State, Tribal, or local erosion and sediment control program”** is one that includes, as defined in [40 CFR 122.44\(s\)](#):

- (i) Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;

- (ii) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
- (iii) Requirements for construction site operators to develop and implement a storm water pollution prevention plan. (A storm water pollution prevention plan includes site descriptions, descriptions of appropriate control measures, copies of approved State, Tribal or local requirements, maintenance procedures, inspection procedures, and identification of non-storm water discharges); and
- (iv) Requirements to submit a site plan for review that incorporates consideration of potential water quality impacts.

**“Registered Engineer”** and **“Registered Landscape Architect”** An engineer or landscape architect certified and registered by the [State Board of Architectural and Engineer Examiners](#) pursuant to [Section 62-202, Tennessee Code Annotated](#), to practice in Tennessee.

**“Runoff coefficient”** means the fraction of total rainfall that will appear at the conveyance as runoff. Runoff coefficient is also defined as the ratio of the amount of water that is NOT absorbed by the surface to the total amount of water that falls during a rainstorm.

**“Sediment”** means solid material, both inorganic (mineral) and organic, that is in suspension, is being transported, or has been moved from the site of origin by wind, water, gravity, or ice as a product of erosion.

**“Sediment basin”** A temporary basin consists of an embankment constructed across a drainage way, or an excavation that creates a basin, or by combination of both. A sediment basin typically consists of an impoundment, a dam, a riser pipe outlet, and an emergency spillway. The size of the structure will depend upon the location, size of the drainage area, soil type land cover/use, rainfall amount, and any unique site conditions favorable to producing high runoff volume, velocity, or sediment. Retention and detention ponds are both designed and constructed for the purpose of managing the runoff from a development. A retention pond retains most of sediment in the pond. A detention pond detains the higher flows and releases the flow over a longer time and at a reduced rate; it may or may not offer any sediment control.

**“Sedimentation”** means the action or process of forming or depositing sediment.

**“Significant contributor of pollutants to waters of the state”** means any discharge containing pollutants that are reasonably expected to cause or contribute to an impairment of receiving stream water quality or designated uses.

**“Soil”** means the unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of plants.

**“Storm water”** means rain fall runoff, snow melt runoff, and surface runoff and drainage.

**“Storm water associated with industrial activity”** is defined at 40 CFR 122.26(b)(14) and incorporated here by reference. Most relevant to this permit is 40 CFR 122.26(b)(14)(x), which relates to construction activity including clearing, grading, filling and excavation activities (including borrow pits containing erodible material). Disturbance of soil for the purpose of crop production is exempted from permit requirements, but storm water discharges from agriculture-

related activities which involve construction of structures (e.g., barn construction, road construction, pond construction, etc.) are considered associated with industrial activity. Maintenance performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility, e.g. re-clearing, minor excavation performed around an existing structure necessary for maintenance or repair, and repaving of an existing road, is not considered a construction activity for the purpose of this permit.

**“Storm water discharge-related activities”** include: activities which cause, contribute to, or result in point source storm water pollutant discharges, including but not limited to: excavation, site development, grading and other surface disturbance activities; and measures to control storm water including the siting, construction and operation of best management practices (BMPs) to control, reduce or prevent storm water pollution.

**“Storm Water Pollution Prevention Plan” (SWPPP):** A written plan required by this permit that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the storm water, and a description of measures or practices to control these pollutants. It must be prepared and approved before construction begins. In order to effectively reduce erosion and sedimentation impacts, Best Management Practices (BMPs) must be designed, installed, and maintained during land disturbing activities. The SWPPP should be prepared in accordance with the [Tennessee Erosion and Sediment Control Handbook](#). The handbook is designed to provide information to planners, developers, engineers, and contractors on the proper selection, installation, and maintenance of BMPs. The handbook is intended for use during the design and construction of projects that require erosion and sediment controls to protect waters of the state. It also aids in the development of SWPPPs and other reports, plans, or specifications required when participating in Tennessee's water quality regulations.

**“Take”** of an endangered species means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage in any such conduct.

**“Temporary stabilization”** is achieved when vegetation and/or a non-erodible surface have been established on the area of disturbance and construction activity has temporarily ceased. Under certain conditions, temporary stabilization is required when construction activities temporarily cease. However, if future construction activity is planned, permit coverage continues.

**“Total maximum daily load” (TMDL)** The sum of the individual wasteload allocations for point sources and load allocations for nonpoint sources and natural background (40 CFR 130.2(I)). **TMDL** is a study that: quantifies the amount of a pollutant in a stream, identifies the sources of the pollutant, and recommends regulatory or other actions that may need to be taken in order for the stream to cease being polluted. Some of the actions that might be taken are: 1.) Re-allocation of limits on the sources of pollutants documented as impacting streams. It might be necessary to lower the amount of pollutants being discharged under NPDES permits or to require the installation of other control measures, if necessary, to ensure that water quality standards will be met. 2.) For sources over which the division does not have regulatory authority, such as ordinary agricultural or forestry activities, provide information and technical assistance to other state and federal agencies that work directly with these groups to install appropriate Best Management Practices (BMPs). Even for impacted streams, **TMDL** development is not considered appropriate for all bodies of water: if enforcement has already been taken and a compliance schedule has been developed; or if best management practices have already been installed for non-regulated activities, the **TMDL** is considered not applicable. In cases involving pollution sources in other

states, the recommendation may be that another state or EPA perform the TMDL. TMDLs can also be described by the following equation:

$$\text{TMDL} = \text{sum of non point sources (LA)} + \text{sum of point sources (WLA)} + \text{margin of safety}$$

A list of completed TMDLs that have been approved by EPA can be found at our web site:

<http://www.state.tn.us/environment/wpc/tmdl/approved.php>

**“Waters”** or **“waters of the state”** means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters.

**“Waste site”** is an area where material from a construction site is disposed of. When the material is erodible, such as soil, the site must be treated as a construction site.

**“Wet weather conveyances”** are man-made or natural watercourses, including natural watercourses that have been modified by channelization, that flow only in direct response to precipitation runoff in their immediate locality and whose channels are above the groundwater table and which do not support fish or aquatic life and are not suitable for drinking water supplies. (Rules and Regulations of the State of Tennessee, Chapter 1200-4-3-.04(3)).

## 9. LIST OF ACRONYMS

ARAP	Aquatic Resource Alteration Permit
BMP	Best Management Practice
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CGP	Construction General Permit
CWA	Clean Water Act
EFO	Environmental Field Office
EPA	(U.S.) Environmental Protection Agency
EPSC	Erosion Prevention and Sediment Control
MS4	Municipal Separate Storm Sewer System
NOC	Notice of Coverage
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
ONRW	Outstanding National Resource Waters
POTW	Publicly Owned Treatment Works
SWPPP	Storm Water Pollution Prevention Plan
TDEC	Tennessee Department of Environment and Conservation
TDOT	Tennessee Department of Transportation
TMDL	Total Maximum Daily Load
TMSP	Tennessee Multi-Sector General Permit for the Discharge of Storm Water from an Industrial Activity
TVA	Tennessee Valley Authority
TWQCA	Tennessee Water Quality Control Act
UIC	Underground Injection Control
USGS	United States Geological Survey

Tennessee General Permit No. TNR10-0000  
Storm Water Discharges from Construction Activities

(End of body of permit; appendices follow.)

**APPENDIX A – Notice of Intent (NOI) Form**  
(next page)



Department of Environment and Conservation  
Division of Water Pollution Control

**CONSTRUCTION ACTIVITY – STORM WATER DISCHARGES  
NOTICE OF INTENT (NOI)**

<b>Site Name:</b>	<b>Existing Tracking No.</b>
Street Address or Location:	Start date:
	Estimated end date:
Site Description:	Latitude:
	Longitude:
County(ies):	Acres Disturbed:
Does a topographic map show dotted or solid blue lines <input type="checkbox"/> and/or wetlands <input type="checkbox"/> on or adjacent to the construction site? If wetlands are located on-site and may be impacted, attach wetlands delineation report. If an Aquatic Resource Alteration Permit has been obtained for this site, what is the permit number?      ARAP permit No.:	
Receiving waters:	
Attach the SWPPP with the NOI <input type="checkbox"/> SWPPP Attached	Attach a site location map <input type="checkbox"/> Map Attached

<b>Site Owner/Developer:</b> (person, company, or legal entity that has operational or design control over construction plans and specifications)			
Site Owner/Developer Contact: (individual responsible for site)		Title or Position:	
Mailing Address:	City:	State:	Zip:
Phone: (      )	E-mail:		
Optional Contact:		Title or Position:	
Address:	City:	State:	Zip:
Phone: (      )	E-mail:		

<b>Owner/Developer Certification</b> (must be signed by president, vice-president or equivalent, or ranking elected official)		
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.		
Owner/Developer name; print or type	Signature	Date

<b>Contractor(s) Certification</b> (must be signed by president, vice-president or equivalent, or ranking elected official)		
I certify under penalty of law that I have reviewed this document, any attachments, and the SWPPP referenced above. Based on my inquiry of the construction site owner/developer identified above, and/or my inquiry of the person directly responsible for assembling this NOI, I believe the information submitted is accurate. I am aware that this NOI, if approved, makes the above-described construction activity subject to NPDES permit number TNR100000, and that certain of my activities on-site are thereby regulated. I am aware that there are significant penalties, including the possibility of fine and imprisonment for knowing violations, and for failure to comply with these permit requirements.		
Primary contractor name and address; print or type	Signature	Date
Other contractor name and address; print or type	Signature	Date
Other contractor name and address; print or type	Signature	Date

<b>OFFICIAL STATE USE ONLY</b>				
Received Date	Reviewer	Field Office	Permit Number <b>TNR</b>	High Quality Water
Fee(s)	T & E Aquatic Fauna	Impaired Receiving Stream	Notice of Coverage Date	

## CONSTRUCTION ACTIVITY – STORM WATER DISCHARGES NOTICE OF INTENT (NOI) - INSTRUCTIONS

**Purpose of this form** A completed notice of intent (NOI) must be submitted to obtain coverage under the Tennessee General NPDES Permit for Discharges of Storm Water Associated with Construction Activity. **Requesting coverage under this permit means that an applicant has obtained and examined a copy of this permit, and thereby acknowledges applicant's claim of ability to be in compliance with permit terms and conditions.** This permit is required for storm water discharge(s) from construction activities including clearing, grading, filling and excavating (including borrow pits) of one or more acres of land. This form should be submitted at least 30 days prior to the commencement of land disturbing activities, or no later than 48 hours prior to when a new operator assumes operational control over site specifications or commences work at the site.

**Permit fee** (see table below) must accompany the NOI and is based on total acreage to be disturbed by an entire project, including any associated construction support activities (e.g. equipment staging yards, material storage areas, excavated material disposal areas, borrow or waste sites). There is no fee for sites less than 1 acre.

Acres Disturbed	Fee	Acres Disturbed	Fee	Acres Disturbed	Fee
= or > 500 acres	\$7,500	= or > 75 < 100 acres	\$2000	= or > 20 < 30 acres	\$ 500
= or > 250 < 500 acres	\$5000	= or > 50 < 75 acres	\$1000	= or > 10 < 20 acres	\$ 400
= or > 150 < 250 acres	\$4000	= or > 40 < 50 acres	\$ 750	= or > 5 < 10 acres	\$ 300
= or > 100 < 150 acres	\$3000	= or > 30 < 40 acres	\$ 600	= or > 1 < 5 acres	\$ 250

**Who must submit the NOI form?** The NOI form must be signed by the “operator(s)” of the construction site. Operators will most likely include the developer of the site, and the primary contractor(s). “Operator” means any party associated with the construction project that meets either of the following two criteria: (1) the party has design or operational control over project specifications (including the ability to make modifications in specifications); or (2) the party has day-to-day operational control of those activities at a project site which are necessary to ensure compliance with the storm water pollution prevention plan (SWPPP) or other permit conditions (e.g., they are authorized to direct workers at the site to carry out activities identified in the storm water pollution prevention plan or comply with other permit conditions). If a contractor has not been identified at the time the NOI is submitted by the developer, the contractor(s) must sign an NOI for the project in order to obtain authorization under this permit. The contractor must include the NPDES permit number that is already assigned to the site, along with the name of the construction project and its location.

**Notice of Coverage** The division will review the NOI for completeness and accuracy and prepare a notice of coverage (NOC). Storm water discharge from the construction site is authorized as of the effective date of the NOC.

**Complete the form** Type or print clearly, using ink and not markers or pencil. Answer each item or enter “NA,” for not applicable, if a particular item does not fit the circumstances or characteristics of your construction site or activity. If you need additional space, attach a separate piece of paper to the NOI form. **The NOI will be considered incomplete without a map and the SWPPP.**

**Describe and locate the project** Use the legal or official name of the construction site. If a construction site lacks street name or route number, give the most accurate geographic information available to describe the location (reference to adjacent highways, roads and structures; e.g. intersection of state highways 70 and 100). Latitude and longitude (expressed in decimal degrees) of the center of the site can be located on USGS quadrangle maps. The quadrangle maps can be obtained at 1-800-USA-MAPS, or at the Census Bureau world wide web site: <http://www.census.gov/cgi-bin/gazetteer>. Attach a copy of a portion of a 7.5 minute quad map, showing location of site, with boundaries at least one mile outside the site boundaries. Provide estimated starting date of clearing activities and completion date of the project, and an estimate of the number of acres of the site on which soil will be disturbed, including borrow areas, fill areas and stockpiles. For linear projects give location at each end of the construction area.

**Give name of the receiving waters** Trace the route of storm water runoff from the construction site and determine the name of the river(s), stream(s), creek(s), wetland(s), lake(s) or any other water course(s) into which the storm water runoff drains. Note that the receiving water course may or may not be located on the construction site. If the first water body receiving construction site runoff is unnamed (“unnamed tributary”), determine the name of the water body which the unnamed tributary enters.

**ARAP permit may be required** **If your work will disturb or cause alterations of a stream or wetland, you must obtain an appropriate Aquatic Resource Alteration Permit (ARAP).** If you have a question about the ARAP program or permits, contact your local Environmental Field Office (EFO).

**Submitting the form and obtaining more information** Note that this form must be signed by the company President, Vice-President, or a ranking elected official in the case of a municipality, for details see subpart 2.5. For more information, contact your local EFO at the toll-free number 1-888-891-8332 (TDEC). Submit the completed NOI form (keep a copy for your records) to the appropriate EFO for the county(ies) where the construction activity is located, addressed to **Attention: Storm Water NOI Processing.**

EFO	Street Address	Zip Code	EFO	Street Address	Zip Code
Memphis	2510 Mt. Moriah Road STE E-645	38115-1520	Cookeville	1221 South Willow Ave.	38506
Jackson	362 Carriage House Drive	38305-2222	Chattanooga	540 McCallie Avenue STE 550	37402-2013
Nashville	711 R S Gass Boulevard	37243	Knoxville	2700 Middlebrook Pike STE 220	37921
Columbia	2484 Park Plus Drive	38401	Johnson City	2305 Silverdale Road	37601



**APPENDIX B – Notice of Termination (NOT) Form**  
(next page)



## NOTICE OF TERMINATION (NOT) – STORM WATER DISCHARGES CONSTRUCTION ACTIVITY

This form is required to be submitted when requesting termination of coverage from the General NPDES Permit for Discharges of Storm Water Associated with Construction Activities. The purpose of this form is to notify the Tennessee Department of Environment and Conservation that you, as a permitted operator of storm water discharges from a construction activity, no longer have responsibilities related to erosion and sediment controls at the construction site. Submission of this form shall in no way relieve the permittee of permit obligations required prior to submission of this form. Please submit this form to the local Division of Water Pollution Control, Environmental Field Office (EFO) address (see table below), and marked “**Storm Water Notice of Termination**”. For more information, contact your local EFO at the toll-free number 1-888-891-8332 (TDEC). **Type or print clearly, using ink and not markers or pencil.**

<b>Site Name:</b>		<b>Tracking No.</b>	
Street Address or Location:			
Site Description:			
<b>Site Owner/Developer:</b> (person, company, or legal entity that has operational or design control over construction plans and specifications)			
Site Owner/Developer Contact: (individual responsible for site)		Title or Position:	
Mailing Address:		City:	State: Zip:
Phone: (      )		E-mail:	

### Check the reason for termination of permit coverage:

<input type="checkbox"/>	Storm water discharge associated with construction activity is no longer occurring and the area previously under construction has been restabilized (i.e., termination of initial permittee coverage). Explain:
<input type="checkbox"/>	You are no longer the operator of the facility/site (i.e., termination of primary or secondary permittee coverage). Name of Permittee requesting termination of coverage: Explain:

### Certification and Signature (must be signed by president, vice-president or equivalent, or ranking elected official)

I certify under penalty of law that either: (a) all storm water discharges associated with construction activity from the portion of the identified facility where I was an operator have ceased or have been eliminated or (b) I am no longer an operator at the construction site. I understand that by submitting this notice of termination, I am no longer authorized to discharge storm water associated with construction activity under this general permit, and that discharging pollutants in storm water associated with construction activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit. I also understand that the submittal of this notice of termination does not release an operator from liability for any violations of this permit or the Clean Water Act.		
For the purposes of this certification, elimination of storm water discharges associated with construction activity means that all disturbed soils at the portion of the construction site where the operator had control have been finally stabilized and temporary erosion and sediment control measures have been removed or will be removed at an appropriate time to insure final stabilization is maintained, or that all storm water discharges associated with construction activities from the identified site that are authorized by a NPDES general permit have otherwise been eliminated from the portion of the construction site where the operator had control.		
Operator name; print or type	Signature	Date

EFO	Street Address	Zip Code	EFO	Street Address	Zip Code
Memphis	2510 Mt. Moriah Road STE E-645	38115-1520	Cookeville	1221 South Willow Ave.	38506
Jackson	362 Carriage House Drive	38305-2222	Chattanooga	540 McCallie Avenue STE 550	37402-2013
Nashville	711 R S Gass Boulevard	37243	Knoxville	2700 Middlebrook Pike STE 220	37921
Columbia	2484 Park Plus Drive	38401	Johnson City	2305 Silverdale Road	37601

**APPENDIX C – Inspection Report Form**  
(next page)



Department of Environment and Conservation  
Division of Water Pollution Control

## Construction Storm Water Inspection Certification

(Twice weekly inspections are required only for all sites.)

**Construction Site Information**      **Outfall No. \_\_\_\_\_ (or station no. or other identifier of drainage area represented)**

NPDES Permit No. TNR \_\_\_\_\_ Notice of Coverage (NOC) Date: \_\_\_\_\_ County: \_\_\_\_\_

Name of Project: \_\_\_\_\_

Developer and/or Contractor Name: \_\_\_\_\_

Month/Year	Week 1	Week 2	Week 3	Week 4	Week 5
	<i>Yes or No / Initials</i>	<i>Yes or No / Initials</i>	<i>Yes or No / Initials</i>	<i>Yes or No / Initials</i>	<i>Yes or No / Initials</i>
_____, _____	Date: _____	Date: _____	Date: _____	Date: _____	Date: _____
Inspections Performed	/	/	/	/	/
E&S Controls in Order	/	/	/	/	/
_____, _____	Date: _____	Date: _____	Date: _____	Date: _____	Date: _____
Inspections Performed	/	/	/	/	/
E&S Controls in Order	/	/	/	/	/
_____, _____	Date: _____	Date: _____	Date: _____	Date: _____	Date: _____
Inspections Performed	/	/	/	/	/
E&S Controls in Order	/	/	/	/	/
_____, _____	Date: _____	Date: _____	Date: _____	Date: _____	Date: _____
Inspections Performed	/	/	/	/	/
E&S Controls in Order	/	/	/	/	/
_____, _____	Date: _____	Date: _____	Date: _____	Date: _____	Date: _____
Inspections Performed	/	/	/	/	/
E&S Controls in Order	/	/	/	/	/

Provide the following information for the person(s) who have performed and initialed the above inspections. If more than two persons have performed these inspections, give information for the two persons who performed the most numbers of inspections.

Initials: _____	Name: _____	Phone No. _____
Initials: _____	Name: _____	Phone No. _____

### Quarterly Inspection Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated information presented. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that inspections of storm water discharge points (outfalls) and of erosion and sediment controls have been performed as recorded in the table above. I certify that erosion prevention and sediment controls in the drainage area of the identified outfall were installed as planned and designed and in working order as recorded in the table above. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name \_\_\_\_\_ Title \_\_\_\_\_ Signature \_\_\_\_\_

Company \_\_\_\_\_ Date \_\_\_\_\_

## Environmental Field Offices - Division of Water Pollution Control - Addresses

EFO	Street Address	Zip Code	EFO	Street Address	Zip Code
Memphis	2510 Mt. Moriah Road, Suite E-645	38115-1520	Cookeville	1221 South Willow Ave.	38506
Jackson	362 Carriage House Drive	38305-2222	Chattanooga	540 McCallie Avenue, Suite 550	37402-2013
Nashville	711 R.S. Gass Blvd	37243	Knoxville	2700 Middlebrook Pike, Suite 220	37921
Columbia	2484 Park Plus Drive	38401	Johnson City	2305 Silverdale Road	37601

### Information and Instructions

The purpose of this form is to certify that inspections of storm water discharge points and erosion prevention and sediment controls (E&S Controls) at the construction site have been performed. You are required to record your twice-weekly inspections for all sites, but you are only required to record your twice-weekly inspections on this form if discharges from the construction site enter waters that have been identified as being impaired by siltation, or if they enter high quality waters. You can determine whether you are discharging to an impaired or high quality stream by looking at the Notice of Coverage (NOC) returned to you after you applied for coverage under the TNCGP. You may also call your local Environmental Field Office (EFO) at the toll-free number of 1-888-891-TDEC.

You are required to inspect outfall points (where discharges leave the site or enter waters of the state) to ascertain whether your erosion prevention and sediment control measures are effective in preventing soil from leaving the construction site and entering nearby streams. You are also required to inspect the erosion prevention and sediment control measures being used at the site, whether these controls have been installed according to the storm water pollution prevention plan (SWPPP), and whether these controls are in working order. These inspections must be performed at the frequency indicated in the appropriate section of the permit.

To record the inspections and observations, write the date that inspections were performed, in the appropriate week's column; write **Yes** or **No** to indicate if the inspections, both of the outfall points and of the erosion prevention and sediment control measures, were performed; and write **Yes** or **No** to indicate whether or not erosion prevention and sediment controls are installed and in working order. Sign your initials under the date for that week and to the right of the Yes or No. Certification of inspections is required at the end of each quarter and covers all inspections performed during the quarter.

The inspection results shall be kept at the construction site with a copy of the SWPPP. Use a new form for each quarter until the Notice of Termination is filed.